

Remarks

1. Rejections Based On 35 U.S.C. § 112

In the Office Action, the Examiner rejected Claim 7 under 35 U.S.C. Section 112, second paragraph, with respect to the use of the term “said postage.” Applicant notes the cancellation of this claim, without prejudice or disclaimer.

2. Rejections Based On 35 U.S.C. § 102

In the Office Action, the Examiner rejected Claims 1, 2 and 5 as being anticipated by Stamps.com (2001). Applicant notes the cancellation of these claims, without prejudice or disclaimer.

3. Rejections Based On 35 U.S.C. § 103

a. Claims 3, 4, 6 and 15

In the Office Action, the Examiner rejected Claims 3, 4, 6 and 15 as being unpatentable over Stamps.com and further in view of Lingle (U.S. Patent No. 7,233,929). Applicant notes the cancellation of these claims, without prejudice or disclaimer.

b. Claim 10

In the Office Action, the Examiner rejected Claim 10 as being unpatentable over Stamps.com in view of Foth (WO 01/48659). Applicant notes the cancellation of this claim, without prejudice or disclaimer.

c. Claim 11

In the Office Action, the Examiner rejected Claim 11 as being unpatentable over Stamps.com in view of Lingle and further in view of O'Brien (1998). Applicant notes the cancellation of this claim, without prejudice or disclaimer.

d. Claims 12-14

In the Office Action, the Examiner rejected Claims 12-14 as being unpatentable over Stamps.com and further in view of O'Brien. Applicant notes the cancellation of this claim, without prejudice or disclaimer.

e. Claim 16

In the Office Action, the Examiner rejected Claim 16 as being unpatentable over the three-reference combination of Stamps.com, Kovlakas and Foth. Applicant notes the amendment of Claim 16 and respectfully submits that, as amended, it is patentably distinguishable over the cited combination.

Applicant notes that, as amended, Claim 16 recites the step of providing to a purchaser of postage *both* "information based indicia" evidencing the postage *and* a "unique tracking number" that is "linked" with the information based indicia. Further, Claim 16 has been amended to recite that the unique tracking number is provided as part of the refund request, and further the steps of queuing the refund request for a period of time and determining that no scan even occurs during that period. Support for these amendments may be found in the specification. See, e.g., Publication No. 2004/0044586, ¶¶ 15, 20.

These features are not shown in the cited art. For example, in Stamps.com, a unique identifying number is not provided during the purchase transaction and, in addition, no such number is requested during the refund process -- the credit request form only asks the user to identify particular postage by date, the number of pieces, and face value.

With respect to the feature of queuing the request for a period of time to make sure there is no further scan event *after* the refund request has been submitted, this is also not shown in any of the cited references. Applicant notes that with respect to original Claim 20, which included a differently-worded queuing step, the Examiner cited to the Kovlakas reference (pg. 2, col. 2, ¶ 21) as showing this. Office, Action, p. 15, lines 17-20. However, the referenced language in Kovlakas relates to prior scan events. See p.2, col. 2, lines 11-13 ("to determine if the information scanned from indicia 14 *was* reported to log server 43 and the post *has not* cancelled indicia 14) (emphasis supplied). Elsewhere in the Office Action, the Examiner has acknowledged that this portion of Kovlakas is dealing with where there "has been" a scan vent. Office Action, p. 13, lines 10-14. In other words, while the claimed feature looks forward to a period of time that is *after* the refund for a scan event, the Kovlakas reference is looking backward. (As a separate step, Claim 16 also recites looking to see if there has been a prior scan event.) Accordingly, this feature of amended Claim 16 is also not disclosed by the cited combination.

f. Claims 17-21

In the Office Action, the Examiner rejected Claim 17-21 as being unpatentable over the four-reference combination of Stamps.com, Kovlakas, Foth and Lingle.

Applicant notes the cancellation, without prejudice or disclaimer, of Claims 17 and 20. With respect to Claims 18-19 and 21, Applicant notes their dependency upon amended Claim 16 which, for the reasons discussed above, is patentable over the combination of Stamps.com, Kovlakas and Foth. For the same reasons, Applicant respectfully submits that dependent Claims 18-19 and 21 are also patentable over this cited combination.

g. Claims 22-24

In the Office Action, the Examiner rejected Claim 22-24 as being unpatentable over the four-reference combination of Stamps.com, Kovlakas, Foth and O'Brien.

Applicant notes the dependency of these claims upon amended Claim 16 which, for the reasons discussed above, is patentable over the combination of Stamps.com, Kovlakas and Foth. For the same reasons, Applicant respectfully submits that dependent Claims 22-24 are also patentable over this cited combination.

In conclusion, Applicant respectfully submits that this Amendment, including the amendments to the Specification and Claims and in view of the Remarks offered in conjunction therewith, is fully responsive to all aspects of the objections and rejections tendered in the Office Action. Applicant therefore earnestly solicits the issuance of a Notice of Allowance with respect to Claims 16, 18-19, and 21-24.

If there are any additional fees incurred by this Amendment, please deduct them from our Deposit Account No. 23-0830.

Respectfully submitted,

Dated: April 3, 2008

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